

Hon. Barbara J. Rothstein

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Kenneth Milton and Josephine Milton, husband  
and wife,

Plaintiffs,

vs.

American Medical Systems, Inc. and Boston  
Scientific Corporation,

Defendants.

NO. 2:23-cv-01251-BJR

**RULE 41 STIPULATION OF  
DISMISSAL OF AMERICAN MEDICAL  
SYSTEMS, INC.**

**PLEASE TAKE NOTICE** that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Kenneth Milton and Josephine Milton and Defendants American Medical Systems, Inc. and Boston Scientific Corporation stipulate to the entry of an Order of Dismissal as to American Medical Systems, Inc., and such dismissal shall be with prejudice and without costs to any of the parties. Boston Scientific Corporation agrees to cover any liability assigned or allocated to American Medical Systems, Inc. in this litigation

as it relates to the AMS 800 product.<sup>1</sup> This stipulation does not dismiss any claims against Boston Scientific Corporation.

This stipulation and agreed order have been approved as to form; notice of presentation and hearing on said Order of Dismissal is hereby waived by the Parties.

**NOW THEREFORE**, the Parties jointly move the Court for entry of the Order of Dismissal. Stipulated and respectfully submitted this 2<sup>nd</sup> day of January, 2024.

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By: \_\_\_\_\_

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By \_\_\_\_\_

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Attorneys for Defendant Boston Scientific Corporation

<sup>1</sup> American Medical Systems, Inc. is not a proper party to this litigation as Boston Scientific Corporation previously acquired the product at issue.

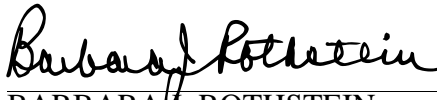
**ORDER**

Pursuant to the Parties' Stipulation for Dismissal of Defendant American Medical Systems, Inc. with Prejudice and without Costs, **IT IS SO ORDERED** that Plaintiff's claims against Defendant American Medical Systems, Inc. are hereby **DISMISSED** with prejudice, and without costs to any party.

The Clerk is respectfully directed to update the case caption accordingly.


IT IS SO ORDERED BY THE COURT.

DATED this 3rd day of January 2024.

  
BARBARA J. ROTHSTEIN  
United States District Judge

Presented by:

OGDEN MURPHY WALLACE, PLLC

By   
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CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that a true and accurate copy of the document to which this declaration is affixed was sent to the following, by the method indicated:

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Snohomish, WA 98290  
Karl@mallinglaw.com

*Counsel for Plaintiff*

- ☒ via Electronic Court Filing (ECF)  
☒ via Electronic Mail  
☐ via USPS Mail  
☐ via Federal Express  
☐ via Hand-delivery  
☐ Other: \_\_\_\_\_

DATED: January 3, 2024, at Seattle, Washington.



Susan Grimes, Legal Assistant

4867-7122-6521, v. 2